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SUBJECT: SPAIN: INTERNET SURVEY PROJECT

REF: LONDON 1814

SENSITIVE BUT UNCLASSIFIED

¶1. (SBU) Summary: After consulting with rights-holders, the Embassy

has identified seven main websites as most likely to be used
for the purpose of uploading and/or downloading copyrighted
materials considering accessibility, ease of download, and
anonymity. Based on what we have found, it is fairly easy for
Spaniards to obtain access to pirated media over the internet.
Internet user anonymity remains a large legal obstacle in the
enforcement of Spanish piracy regulations. Negotiations between
Internet Service Providers (ISPs) and content providers have
aimed to address this issue in recent months as part of a
larger effort to stem internet piracy. Spain also continues to
look towards the examples of neighboring countries in making
decisions on internet piracy policy. Our overall assessment is
that there is extensive illicit copyrighted material available
for Spanish consumers, although we make no judgment regarding
whether there is more or less such material available for
consumers in other countries. End Summary.

Embassy Internet Project

¶2. (SBU) Spain has a major internet piracy problem. The country was

placed on the Special 301 QWatch ListQ in 2008, largely because
of this issue. The purpose of this project is to evaluate the
nature of pirated content marketed to and available to the
Spanish consumer, and to attempt to determine the facility
which with Spanish nationals can acquire pirated materials over
the internet. Online music and movies are the primary focus of
this project. Due to the growing number of Spanish households
with broadband internet access, in addition to the availability
of efficient playback software, music and movies have become
the primary concern with respect to online pirated materials.
This project was carried out with the aid of several
organizations from the movie industry, music industry, and
intellectual property rights groups in Spain. Among those who
provided information on questionable web pages were the Motion
Picture Association (MPA), the Federation for the Protection of
Intellectual Property (FAP), General Society of Authors and
Editors (SGAE), and Producers of Spanish Music (Promusicae).

¶3. (SBU) With the information provided by these Organizations, the

Embassy identified seven main websites as most likely to
attract Spanish consumers considering accessibility, ease of
download, and anonymity. Three of the webpages have been
identified for downloading movies, three for downloading music,
and one page, www.vagos.es, has been noted by all of the above
mentioned content provider organizations for its movie and
music download popularity. (Note: The Embassy surveyed these
websites but did not actually upload or download any material.)

¶4. (SBU) The websites appear mostly to be operated out of locations

in Spain. Technically, it does not matter where they are
located. However, rights-holders have told us that, in theory,
it should be less burdensome from a legal standpoint to block
consumer access to sites operated from outside Spain.)

Movies

¶5. (SBU) www.elrincondejesus.com is a traditional webpage based
in the northwestern Spanish region of Galicia. This
page offers download links from various P2P systems including
eMule and BitTorrent. One must, however download execute
applications that access the P2P networks specified in order to
download content. In order to access download information,
users must register with the web page and login. Registration
information includes: nickname, email address, password,
occupation, country, postal code, sex, year of birth, and
sector of employment.

¶6. (SBU) www.fase6.com is a traditional webpage with links to
streaming video online. Movies do not have to be downloaded and
can be viewed almost instantly, depending on the internet connection

available. This page uploads movies daily, popular new and old
releases and targets Spanish audiences. This site is very easy
to access. There is no need to sign in, log on, or provide any
information in order to access 100 percent of the content.
Users just have to click on the link and the video starts to
play.

¶7. (SBU) www.sharemula.com is a page based in the southern Spanish
region of Andaluca that offers links to a variety of media on
the eMule P2P network. Types of media include software, music,
movies, and eBooks in PDF format. Upon registration, users have
access to links available for download through the eMule
application. This page uses P2P networks to facilitate movie
downloading. The content on this site is more difficult to
access because one must both sign into the webpage with a login
and password and additionally download and execute the eMule
application in order to acquire pirated content.

Music:

¶8. (SBU) www.elitemp3.net is a traditional webpage. Upon login,
users have access to a variety of full music albums. The siteQs
selection includes American and Spanish albums, but its
language and themes suggest the site is geared towards a
Spanish audience. The availability of songs and albums for
download can be viewed by any internet user but download links
and physical downloads are only available to registered users.
Registration information includes: username, password, email
address, country, postal code, age occupation, and sector of
employment. Users are also given the option to join various
email lists. According to Promusicae, this site contains 3537
albums, has 263,342 users, and 6,600,000 downloads. In 2008,
Promusicae reported that charges have been pressed against this
site.

¶10. (SBU) www.ddr.mforos.com is an online message board. This site

also offers access to movies, series, etc. in addition to
music. The site was however originally noted for music piracy.
The music section of the site contains threads for various
albums, both Spanish and English. Upon entrance into the
thread, a listing of songs on the album and a link to a Qone-
click hosting siteQ (pages that store large-size files for
their users, i.e. Rapidshare.com, Megaupload.com) appears.
According to Promusicae, this site contains 3000 albums, has
70,964 users, and has been visited over 21,000,000 times.

¶11. (SBU) www.posteando.com is an online message board with various

themes including video games, software, literature, and
multimedia. The multimedia section of the site contains both
movies and music for download. The music section is organized
in a manner where each thread specifies a download link for a
certain album or song. The music section of the page also
contains a thread where users can request download links from
other users. Any internet user can view the locations of the
content in question. It is necessary, however, to have a
profile to post on the forum and thus be able to both post
links and ask for links. According to Promusicae, this site
contains 5000 albums and currently has 65,729 users.

Special Note

¶12. (SBU) www.vagos.es has been noted by both music and movie
industry representatives as well as intellectual property
rights organizations in Spain. For this reason, it receives
special attention as a notorious provider of pirated materials of
several kinds to its users. This site is an online message
board based in the Balearic Islands. Music and movies are just
two sections of the site. Other sections include general
discussions about sports, humor, cars, and technology, and do
not always contain pirated material. The music and movies
sections include links uploaded by users of the site. Links are
mostly to Qone-click hostingQ pages such as Megaupload and
Rapidshare. Visitors who have not signed up with the web site
are only able to view one post from one message board,
therefore only having access to download one piece of media. In
order to see more than one message, users must register with
the web site and login. Information needed to register
includes: name, password, email, country, postal code, sex,
occupation, and industry.

Analysis:

¶13. (SBU) After a general review of each of these internet pages, it

is clear that it is not difficult for Spaniards to obtain
access to pirated movies and music over the internet. In
addition, users can usually do so anonymously. Most of the
pages visited required the provision of a user name and email
address, from neither of which could a true identity be
verified. However, rights-holders have told us that this should
not be an insurmountable obstacle to restricting service to

internet service subscribers suspected of trafficking in
copyrighted material, i.e. rights-holders can provide suspected
IP address detectors without knowing the name of the person
behind the address. In theory, this should provide a way for
ISPs to limit or eliminate service to internet service
subscribers without breaking Spanish privacy laws, although
they do not appear to be convinced. Additionally, the fact that
pirated materials sometimes appear on sites that are mainly
geared towards discussions on lifestyle and leisure
(www.posteando.com) poses an additional risk to rights-holders
in that some internet users otherwise unlikely to seek pirated
materials may opportunistically download pirated products
through these sites. The QlifestyleQ sites are geared mainly
towards teens and adults in their 20Qs. Popular music and movie
titles found on these sites are rarely more than twenty years
old. This fact, especially in regard to music, points to the
fact that the majority of both uploaders and downloaders fall
into the age groups specified. The organizational structure of
media downloading in Spain seems to be dominated by independent
sites that allow users to post links, or more simply
instructions, on how to download the content from a third
party. The third party download sources generally fall into one
of two categories: one-click hosting sites or peer-to-peer
(P2P) applications. The most common P2P applications among the
sites reviewed are eMule, which runs on the eDonkey network,
and BitTorrent, a P2P system that allows users to share the
costs (hardware, memory, download time) of uploading and

downloading content. The most common one-click hosting sites
were Rapidshare and Megaupload. These sites offer users to
upload large size files onto their network space and make the
files available for download to other users. While these sites
are meant for personal use and legal sharing of non-copyrighted
material, they are being used by a growing number of people to
distribute pirated content.

Comment:

¶14. (SBU) After a number of years of increasing complaints from
rights-holders about internet piracy, the Embassy thought it
would be valuable to try to see what is available to Spanish
consumers. From our survey of the internet, it is clear that
rights-holders have a point. Access to pirated material over
the internet does appear to be quite extensive. We make no
judgment as to whether more or less illicit content is
available in Spain than in other major economies, only that
such content is indeed available here. Moreover, a generation
of Spanish internet users has become used to using the internet
to access movies and music, some of which is legally available
over the internet, but much of which is not available legally
through the internet. Rights-holders sometimes describe the
Spanish government and ISP pressure on content providers to
offer legal internet alternatives as a Qred herring.Q In part,
they may be right. We suspect, however, that any deal between
ISPs and rights-holders or any new legislation aimed a
protecting copyright over the internet will have to include an
element of more legal alternatives, much as was described in
reftel in the case of the United Kingdom.

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